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September 9, 2013

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

RE: Ex Parte Notice: CG Docket Nos. 10-51 and 03-123

Dear Ms. Dortch:

On September 5, 2013 Sean Belanger, CEO, and the undersigned of CSDVRS, LLC (“ZVRS”) met with Priscilla Delgado Argeris, Legal Advisor to Commissioner Rosenworcel, and with Kris Monteith, Acting Bureau Chief and Robert Aldrich, Consumer and Governmental Affairs Bureau, Gregory Hlibok, Chief, and Elaine Gardner, Disability Rights Office. On the following day Sean Belanger and I met with Nicholas Degani, Wireline Legal Advisor to Commissioner Pai.

The discussion addressed ZVRS’ positions provided to the Commission as filed in CG Docket No. 10-51, most recently as comments in the pending VRS Further Notice of Proposed Rulemaking (“FNPRM”)¹, including the following:

- The new FCC VRS rates are marginally sustainable for ZVRS the next few years but ZVRS cannot sustain its level of service after 2016 due to the decreased and inadequate rate set for that time. The FCC’s rates for VRS have caused an absolute disincentive for any new outside investment in the company. ZVRS will steadfastly urge the Commission to maintain a tiered weighted average rate that sustains choice and competition by utilizing a return of investment methodology which specifically considers labor (e.g., video interpreting) costs and the true capital required to provide VRS;

¹ Comments of CSDVRS LLC, CG Docket 10-51 (August 19, 2013).

- ZVRS will be challenged to comply with the new 85/30 speed of answer (“SOA”) standard measured on a daily basis. This new standard will drive up provider costs at a time the lower VRS compensation rates are in effect. ZVRS is concerned about the impossibility of precisely forecasting consumer demand on a daily basis and the likelihood that it will occasionally miss the standard and be penalized by not being reimbursed when demand is unexpectedly high unless it overstaffs every single day. ZVRS urges the Commission not to lower the SOA further and to restore its measurement to a monthly basis;
- Allowing the use of remote interpreting in secure environments with robust monitoring will ensure greater availability of VRS, drive down the costs of providing VRS and support the safety of interpreters during atypical work conditions;
- The Commission must codify as a TRS rule providers provisioning iTRS numbers to videophones (“VP”) installed in public spaces to ensure unfettered access in a variety of environments including confined circumstances such as hospitals, and to establish clarity and consistency in the use of public VPs. ZVRS proposed that consumers using public VPs first provide their name (or unique identifier when the TRS-URD database is operating) or personal iTRS number to the VI for verification using the iTRS database of the caller’s eligibility to use VRS or by entering a PIN prior to dialing the called party;
- The Commission cannot continue to fund the locked-in and non-interoperable VRS market caused by Sorenson Communications Inc.’s proprietary VPs. Providers should not be compensated unless their services and equipment are off-the-shelf and certified as interoperable. Sorenson can make their VPs available as off-the-shelf hardware if they provide them in an open market for the purchase of consumers and other providers, with all their features and functions and transfer to consumers the titles to the VPs. There has been no real progress in addressing interoperability issues since the June 2013 FCC VRS Order and it is a significant error to anticipate the development of interoperability standards which are tied to being compatible with the 8 year old outdated technology of the Sorenson VP 200s. Interoperability must include all essential VP functions such as address book, flasher control, caller ID, direct dialing, video mail etc. Sorenson deliberately engineered the non-interoperability of its video mail by using a subpar approach in which the user records the video message locally on the device then uploads the video clip to Sorenson, resulting in a non-interoperable essential VP function in violation of the FCC’s 2006 Interoperability Declaratory Ruling. The Commission has the legal authority under Section 225 of the Americans with Disabilities Act to regulate consumer VRS equipment to “ensure” that TRS is “available, to the extent possible and in the most efficient manner, to [deaf and hard of hearing] and speech-impaired individuals in the United States.”; and
- The Commission should create a default provider selection as was ordered several years ago but the rule currently waived regarding the portability of VPs. This time the Commission should augment that Order by requiring VRS providers to sustain all features and functions of VPs even when the number associated with the CPE is ported or

the call routed to a different provider. This approach will unlock the VRS market by removing control of consumers through proprietary VPs, save millions of dollars, drive quality interpreting and create a dramatically more competitive VRS market while preserving consumer choices.

Sincerely,

/s/

Jeff Rosen
General Counsel

cc: Priscilla Delgado Argeris
Nicholas Degani
Kris Monteith
Robert Aldrich
Gregory Hlibok
Elaine Gardner